

BILL NO. S-68-04-28

SPECIAL ORDINANCE NO. S- 48-68

AN ORDINANCE ratifying and confirming the establishment of The Three Rivers Coordinating Council and authorizing the Mayor, a Plan Commission Representative, a Board of Public Works Representative, and the President or a Member of the Common Council to execute said Agreement.

WHEREAS, there has been established The Three Rivers Coordinating Council under the Interlocal Cooperation Act (Acts of 1957, Chapter 118, Section 1 through 7, Burns Indiana Statutes Annotated, Section 53-1101 through 53-1107), by and between the City of Fort Wayne, Indiana; the City of New Haven, Indiana; and the County of Allen, Indiana; and

WHEREAS, the purpose of said Council is to coordinate the activities of the respective governmental units in order to handle efficiently and effectively numerous problems resulting from the rapid growth and change within the Urban Area served by said governments; and

WHEREAS, an organization is required by certain agencies of the Federal Government as a prerequisite to the obtaining of federal funds; and

WHEREAS, it is necessary to obtain federal funds in various projects necessary for the well-being of the citizens of the City of Fort Wayne, Indiana:

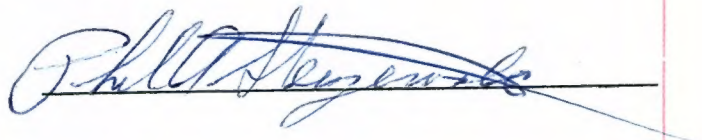
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Mayor of the City, a Representative of the Plan Commission, a Representative of the Board of Public Works, the President or a Member of the Common Council of said City, are authorized and directed to enter into an agreement with the City of New Haven, Indiana; and the County of Allen, Indiana, a copy of which said Agreement is attached hereto, made a part hereof by reference, and marked "Exhibit I".

SECTION 2. This Council ratifies and confirms the action taken in connection with said Agreement and authorizes said officers to do all things necessary to effect the intent of said Agreement.

SECTION 3. This Ordinance shall be and constitute authority for the Mayor, a Representative of the Plan Commission, a Representative of the Board of Public Works, and the President or a Member of the Common Council to do all things necessary and proper to establish The Three Rivers Coordinating Council in accordance with the terms of the Agreement, copy of which is attached hereto and made a part hereof and marked "Exhibit I".

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY,



CITY ATTORNEY

CREATION OF THE THREE RIVERS COORDINATING COUNCIL

BILL NO. S-68-04-28

SPECIAL ORDINANCE NO. S-48-68

AN ORDINANCE ratifying and confirming the establishment of The Three Rivers Coordinating Council and authorizing the Mayor, a Plan Commission Representative, A Board of Public Works Representative, and the President or a Member of the Common Council to execute said Agreement

WHEREAS, that has been established The Three Rivers Coordinating Council under the Interlocal Cooperation Act (Acts of 1957, Chapter 118, Section 1 through 7, Burns Indiana Statutes Annotated, Section 53-1101 through 53-1107), by and between the City of Fort Wayne, Indiana; the City of New Haven, Indiana; and the County of Allen, Indiana; and

WHEREAS, the purpose of said Council is to coordinate the activities of the respective governmental units in order to handle efficiently and effectively numerous problems resulting from the rapid growth and change within the Urban Area served by said governments; and

WHEREAS, an organization is required by certain agencies of the Federal Government as a prerequisite to the obtaining of federal funds; and

WHEREAS, it is necessary to obtain federal funds in various projects necessary for the well-being of the citizens of the City of Fort Wayne, Indiana:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Mayor of the City, A representative of the Plan Commission, a Representative of the Board of Public Works, the President or a member of the Common Council of said City, are authorized and directed to enter into an agreement with the City of New Haven, Indiana; and the County of Allen, Indiana, a copy of which said Agreement is attached hereto, made a part hereof by reference, and marked "Exhibit I".

SECTION 2. This Council ratified and confirms the action taken in connection with said Agreement and authorizes said officers to do all things necessary to effect the intent of said Agreement.

SECTION 3. This Ordinance shall be and constitute authority for the Mayor, a Representative of the Plan Commission, a Representative of the Board of Public Works, and the President or a Member of the Common Council to do all things necessary and proper to establish The Three Rivers Coordinating Council in accordance with the terms of the Agreement, copy of which is attached hereto and made a part hereof and marked "Exhibit I".

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Phil A. Steigerwald
Council Member

Read the first time in full and on motion by Steigerwald seconded by Robinson and duly adopted, read the second time by title.

DATE: 4-9-68

Fuad G. Bonahoom
City Clerk

On motion by Steigerwald seconded by Robinson the rules of the Common Council were suspended by unanimous approval of all nine (9) members present.

Read the third time in full and on motion by Steigerwald seconded by Rousseau and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Adams, Dunifon, Fay, Geake, Nuckols,
Robinson, Rousseau, Steigerwald, Tipton

NAYS: None

ABSTAINED: None

ABSENT: None

DATED: 4-9-68

Fuad G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-48-68 on the 9th day of April, 1968

ATTEST:

SEAL

Fuad G. Bonahoom
City Clerk

Jack K. Dunifon
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1968, at the hour of 10:00 o'clock A.M., E.S.T.

Fuad G. Bonahoom
City Clerk

Approved and signed by me this 10th day of April, 1968,
at the hour of 4:38 o'clock P.M., E.S.T.

Harold S. Zeis
Mayor

AGREEMENT

THE THREE RIVERS COORDINATING COUNCIL

THIS AGREEMENT is entered into under the authority of the Interlocal Cooperation Act (Acts of 1957, Chapter 118, Section 1 through 7, being Burns Indiana Statutes Annotated, Section 53-1101 through 53-1107), by and between the City of Fort Wayne, Indiana; the City of New Haven, Indiana; and the County of Allen, Indiana.

WHEREAS, the parties to this Agreement, units of local government within the Three Rivers Area, bear a common responsibility and share a common desire to co-ordinate the activities of their respective governmental units in order to handle efficiently and effectively numerous problems resulting from rapid growth and change within the Urban Area (when used in this agreement, "Urban Area" shall mean Standard Metropolitan Statistical Area as described by The Bureau of the Census as including the City of Fort Wayne, the City of New Haven and the County of Allen), and to promote orderly development within the Urban Area; the said units of local government do hereby join together in an agreement of voluntary cooperation, and for that purpose, they do establish a Coordinating Council, and do make these covenants:

NOW, THEREFORE, it is agreed as follows:

Exhibit I

1. NATURE OF THE AGREEMENT

This Agreement is intended to promote the co-ordination of functions and programs between two or more units of local government through formal and informal arrangements which are voluntary and jointly operated, but within existing political structures. All members, units of local government within the Three Rivers Area, enter into this Agreement within the framework of the following principle:

A recognition of the sovereign status of all Member Units, and that nothing contained in this Agreement shall authorize the Council to intervene in matters which are essentially within the local jurisdiction of any Member Unit, unless such affected Member Unit shall raise the matter or otherwise consent to its consideration, or unless the matter affects another Member Unit; provided, however, that after a comprehensive plan for the Urban Area, as described herein, is duly adopted in accordance with the provisions of Section II of this Agreement, such comprehensive plan will take precedence over the plans of Member Units which conflict with the comprehensive plan. It is the purpose of this Agreement to recognize that the parties hereto are co-ordinating in good faith to develop a comprehensive plan for their guidance.

II. PURPOSE OF THE AGREEMENT

1. To carry on a continuing comprehensive planning program for the entire Urban Area which will supplement, co-ordinate, but takes priority over the plans of Member Units; provided, however, that the primary function of this Council shall be to co-ordinate the planning efforts of all Member Units rather than to replace such planning efforts;
2. To study such area governmental problems common to two or more members as is deemed appropriate, including but not limited to matter affecting health, safety, welfare, education, economic conditions, and regional development;
3. To promote cooperative arrangements and co-ordinate action among members;
4. To make recommendations for review and action to the members and other public agencies which perform functions within the region affecting the entire area;
5. To serve as a clearinghouse for the benefit of the members and other interested parties, of information concerning common problems, and concerning Federal, State, and Local services available to assist in the solution of these problems;

6. To provide liaison between and among members and other public agencies located in the region in the preparation, review and maintenance of a Comprehensive Development Plan for the region.

III. FUNCTIONS AND POWERS

1. The Council shall have the powers necessary to carry out the purposes set out in the Agreement as well as to have all powers incidental thereto, including activities related to all the developmental aspects of the total Urban Area which shall include, but which shall not be limited to the following: land use, transportation, housing, economic development, community facilities, and the general improvement of living environments.
2. The Council may discuss any questions or any matters within the scope of its stated purposes, and make recommendations for action to the governmental units involved in any such questions or matters.
3. Members and non-members, governmental units and quasi-governmental agencies or citizens of the Three Rivers Area may bring matters involving inter-governmental cooperation to the attention of the Council for discussion and possible recommendation.
4. The Council may request any governmental unit or agency, Federal, State or Local to act upon its recommendations if such is deemed to be in the interests of the Council and/or its Member Units.

5. The Council may promote agreements between members of non-member governmental units as is deemed appropriate to further inter-governmental cooperation.
6. The Council may initiate and/or request studies deemed necessary to further understanding of any matters or problems under consideration by the Council.
7. The Council shall encourage contributions of research assistance from private research organizations, civic foundations, institutions of higher learning and other organization.
8. The Council shall establish an operating budget to meet expenses of approved programs, subject to authorization by the appropriating bodies of the respective governmental agencies represented herein. The Council shall have the power to hire and/or to fire an Executive Director as well as a staff of employees as deemed necessary by the Council in order to meet the work load of the Council. All such expenditures, if any, shall be authorized by each Member Government Unit, and shall be borne by the Member Units in proportionate shares as determined by the Council. The formula to be used at the outset and until altered by action of the Council shall be as follows:

<u>Member</u>	<u>% of Expenditure</u>
City of Fort Wayne	45%
City of New Haven	10%
County of Allen	45%

9. The Council may establish or designate any such committees or advisory groups it deems necessary to assist the carrying out of its purposes and functions.

a) The Council shall authorize and define the powers and duties of all committees and advisory groups so established. The Council shall designate the membership of such committees or advisory groups and shall provide for the selection of a chairman for each of these groups and other personnel deemed necessary.

b) Recommendations and other actions of committees or advisory groups established under this Section are not binding on the Council unless adopted by the Council.

10. The Council shall appoint an Executive Director and other staff positions to carry out administrative and technical functions under the direction of the Council.

11. The Council shall keep accurate minutes of its proceedings and shall make no less than annual reports concerning its activities to Member Units and other interested parties.

12. The Council shall have the power to enter into contracts, to receive gifts or grants, to receive funds, and to expend funds received from the United States of America, the State of Indiana, its departments, agencies, or instrumentalities; or from any governmental unit whether participating in the Council or not, or from private sources, in addition to all other powers necessary or incidental to carry out the purposes of this agreement.
13. The Council shall have the power to own and/or dispose of both real and personal property of any nature whatsoever. Ownership of real property shall be in the following name and title: "THE THREE RIVERS COORDINATING COUNCIL". The persons authorized to sign deeds, contracts to sell, or documents of any nature conveying or concerning real estate shall be the following three office holders: Mayor of the City of Fort Wayne; Mayor of the City of New Haven, and the representative of the Board of Allen County Commissioners on the Council.

MEMBERSHIP

1. The Council shall be composed initially of ten voting members. All members shall be elected chief executive officers of participating units of local government within the Three Rivers Area, or shall hold the office described herein.
2. The Units and their representatives, and the additional membership shall be, but is not limited to the following:

CITY OF FORT WAYNE

- 1) MAYOR
- 2) PLAN COMMISSION REPRESENTATIVE
- 3) BOARD OF PUBLIC WORKS REPRESENTATIVE
- 4) PRESIDENT OR MEMBER, COMMON COUNCIL

ALLEN COUNTY

- 1) BOARD OF COMMISSIONERS REPRESENTATIVE
- 2) PLAN COMMISSION REPRESENTATIVE
- 3) PRESIDENT OR MEMBER, COUNTY COUNCIL
- 4) COUNTY SURVEYOR

CITY OF NEW HAVEN

- 1) MAYOR
- 2) PRESIDENT OR MEMBER, CITY COUNCIL

OTHERS DIRECTLY AFFILIATED--NON-VOTING MEMBERS

- 1) DIVISION ENGINEER, BUREAU OF PUBLIC ROADS
- 2) MEMBER, INDIANA STATE HIGHWAY COMMISSION
- 3) PLANNING ENGINEER, INDIANA STATE HIGHWAY COMMISSION

V. VOTING

1. Each Member of the Council of Governments shall have one vote as indicated above, including Chairman.
2. Decisions of the Council shall be made by an affirmative majority vote of those present.
3. Decisions of the Council which involve specific recommendations for agreement for cooperative endeavors between two or more participating Members shall require an affirmative vote of those participating Members, as well as an affirmative majority vote as provided in Section V. 2.

VI. PROCEDURE

1. The Council shall meet in such special sessions as may be deemed necessary and at regular sessions when necessary or advisable. A quorum shall consist of not less than one half of the members.

2. The Council shall elect from its Membership a Chairman, and such other officers as it deems necessary, all to serve for a period of one year from the date of their election.
3. The entire organization may be known as the coordinating board of which the council shall serve as the Administrative Committee and may create such committees as a Technical Working Committee composed of technical representative of each of the agencies represented on the Administrative Committee, and such other agencies as may provide technical assistance or technical data, and an Advisory Committee consisting of such representatives as those of other governing bodies, public and private commissions and agencies, or the Council may otherwise organize itself as is deemed appropriate.
4. Notice of meetings, regular or special, together with the agenda, shall be furnished to all Members not less than seven days prior to any such meeting.
5. The Council may adopt further rules and procedures as it deems necessary.

VII. AMENDMENTS

Amendments to this Agreement, except as to its membership, shall be made effective by an affirmative vote of not less than three-fourths of the Members. Any amendment to this Agreement, including an amendment as to Membership, shall be submitted in writing to each Member at least fifteen (15) days prior to the meeting at which such amendment is to be voted upon. No amendments may be made to eliminate the

voluntary nature of this agreement.

VIII. RATIFICATION

This Agreement shall become effective upon approval by the governing bodies of the participating member units of local government, and upon the signing of this document by their chief executive officers.

IX. DURATION OF THE AGREEMENT

1. This Agreement must be ratified, affirmed and adopted by ordinance of each of the Member Government units, filed with the Secretary of State of Indiana, and filed for record with the Recorder of Allen County, Indiana. It shall continue in force until properly terminated under the terms of this Agreement. In case of dissolution or partial withdrawal by a member, the non-federal matching contribution to any federal grant will be firm, the projects will be completed, and the required reporting and accounting will be met:
2. This Agreement may be terminated insofar as any individual Member Government Unit is concerned by a resolution passed by a majority vote of the voting representative of that Member Government Unit. A termination notice shall be given by such Member Government Unit during the first calendar month of the year; and the termination shall become effective on the 31st day of December of the year in which notice was given.
3. This Agreement shall be perpetual until such time as the elected officials, who represent the Member Government units, fail to represent 90% or more of the population of the urban

area described herein.

4. In the event of the partial termination of this Agreement by one Member Government Unit, such Member Government Unit shall not be entitled to any of the property owned by the Council at the time of such termination. Upon receipt of a termination notice by a Member Government Unit, such notice being the second termination notice given, the Council shall immediately proceed to sell all property, both real and personal, owned by the Council, such sale to be held according to law. Upon completion of the sale, the proceeds shall be distributed to the Member Government Units in proportion to their percentage contributions as set out in Section III, 8 hereof.
5. The Three Rivers Coordinating Council shall, and hereby does, succeed the Fort Wayne, New Haven and Allen County Highway Coordinating Board. The Member Government Units hereby approve, ratify, confirm and adopt as their own all acts of the Fort Wayne, New Haven, Allen County Coordinating Board.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures hereon to be affixed this _____ day of _____, 1968.

CITY OF FORT WAYNE:

Mayor

Plan Commission Representative

Board of Public Works Representative

President or Member, Common Council

ALLEN COUNTY:

Board of Commissioners Representative

Plan Commission Representative

President or Member, County Council

County Surveyor

CITY OF NEW HAVEN:

Mayor

President or Member, City Council

OTHERS DIRECTLY AFFILIATED -- NON-VOTING MEMBERS:

Division Engineer, Bureau of Public Roads

Member, Indiana State Highway Commission

Planning Engineer, Indiana State Highway Commission

for Passage

Read the first time in full and on motion by *Stegerwald* seconded by *Haber* and duly adopted, read the second time by title and referred to the (Committee on) _____ (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____ the _____ day of _____ 196 _____, at _____ o'clock P.M., E.S.T.

Date: *4-9-68* *Frank H. Bonahoom*
City Clerk

Read the third time in full and on motion by *Stegerwald* seconded by *Haber* and duly adopted, placed on its passage.

Passed (~~1968~~) by the following vote:

	AYES <u><i>9</i></u>	NAYS <u><i>0</i></u>	ABSTAINED _____	ABSENT _____	to-wit:
<i>Stegerwald</i>	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Adams	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Dunifon	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Fay	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Geake	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Nuckols	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Robinson	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Rousseau	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Steigerwald	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	
Tipton	<u><i>/</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	

Date *4-9-68* *Frank H. Bonahoom*
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. *5-48-68*

on the *9th* day of *April*, 196 *8*.

ATTEST: (SEAL)

Frank H. Bonahoom
City Clerk

Jack R. H. Huns
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *10th* day of *April*, 196 *8* at the hour of *10:00* o'clock *A.M.*, E.S.T.

Frank H. Bonahoom
City Clerk

Approved and signed by me this *10th* day of *April*, 196 *8* at the hour of *4:38* o'clock *P*.M., E.S.T.

Harold A. Zito
Mayor